

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

BUREAU OF CONSUMER FINANCIAL
PROTECTION,

Petitioner,

v.

CENTER FOR EXCELLENCE IN HIGHER
EDUCATION,

Respondent.

**ORDER GRANTING IN PART AND
DENYING IN PART RESPONDENT'S
MOTION TO CONTINUE HEARING**

Case No. 2:19-cv-00877-DB-CMR

Judge Dee Benson

Magistrate Judge Cecilia M. Romero

Before the court is Respondent Center for Excellence in Higher Education's (Respondent) Motion to Continue Hearing (ECF 27) (the Motion) on the Petition to Enforce Civil Investigative Demand (ECF 2) (the Petition). Respondent requested that the May 5, 2020 hearing be continued in light of stay-at-home orders in place due to the COVID-19 pandemic and the personal health issues of counsel (ECF 27 at 2–3). Respondent argues that an in-person hearing is necessary due to the significance and complexity of the Petition (ECF 27 at 3). On April 28, 2020, the court took the motion under advisement, finding that Respondent established good cause for a continuance of the hearing and directing Petitioner Bureau of Consumer Financial Protection (Petitioner) to file a response on the issue of an in-person or telephonic hearing. Petitioner argues that a telephonic hearing is the most realistic and non-prejudicial means of resolving this matter expeditiously in light of travel restrictions (ECF 28 at 2).

Having considered the relevant filings, the court grants Respondent's request for a continuance, but denies its request for an in-person hearing. The court finds that requiring physical presence at the hearing on the Petition is not feasible at this time. Although the court acknowledges the importance of an in-person hearing to Respondent, the court agrees with Petitioner that present circumstances render an in-person hearing unfeasible, and this matter must be resolved without further delay. While the parties are permitted to attend the hearing in person, the court will allow the parties to appear by telephone or videoconference upon request. No further continuances will be granted.

IT IS HEREBY ORDERED that the Motion is granted in part and denied in part as set forth herein;

IT IS FURTHER ORDERED that the hearing on the Petition is continued to **June 19, 2020, at 10:00 a.m., in Room 7.400.**

IT IS SO ORDERED.

DATED this 30 April 2020.



Magistrate Judge Cecilia M. Romero
United States District Court for the District of Utah